



Mr. Joseph Wenzinger
Attorney
Federal Election Commission
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RE: Advisory Opinion Request 2022-13 (Gross)

Dear Mr. Wenzinger,

Campaign Legal Center respectfully submits this comment on Advisory Opinion 2022-13 (Gross), Draft A.

The facts presented in this advisory opinion request are that a former federal candidate, who converted his leftover campaign account to a leadership PAC, is running for office again and wishes to convert his leadership PAC back to an authorized committee. Draft A would permit the proposed conversion.

We write to note that there is at least one other former federal candidate who has converted his leftover campaign account to a multicandidate PAC, and who is reported to be seeking ways to channel money from his network of multicandidate and leadership PACs into a 2024 presidential campaign.¹

While there are a number of significant differences between the two situations, the Commission's history is rife with advisory opinions that Commissioners have approved "under the[] circumstances" presented in the request, only to find those circumstances quickly expanded by application of the original opinion's legal conclusion—without including its limiting principles—to broader scenarios.

¹ See Kyle Mullins, "What Happens To Trump's \$101 Million War Chest If He Announces He's Running For President?" *Forbes* (Jul. 20, 2022), <https://www.forbes.com/sites/kylemullins/2022/07/20/what-happens-to-trumps-101-million-war-chest-if-he-announces-hes-running-for-president/?sh=1bf8d13c62ca>.

Draft A presents a potential case in point: It cites no statute or regulation authorizing the proposed conversion, appearing to rely solely on an advisory opinion that had nothing to do with either candidate committees or leadership PACs, but that Draft A would now expand to cover such entities—without any analysis or discussion of how such expansion is lawful.

The Commission should take great care in how it answers this request.

Sincerely,

/s/ Adav Noti
Adav Noti
Saurav Ghosh
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